

**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)  
REGARDING THE CALIFORNIA PLUMBING CODE (CPC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 5  
(HCD 02/16)**

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Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Housing and Community Development (HCD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. The HCD is proposing building standards related to 2016 California Plumbing Code (CPC).

**PUBLIC COMMENT PERIOD**

(Gov. Code, § 11346.5, subd. (a)(17).)

A public hearing has not been scheduled; however, written comments will be accepted from March 17, 2017 until 5 P.M. on May 1, 2017. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Mia Marvelli, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

(Gov. Code, § 11346.5, subd. (a)(18).)

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

**AUTHORITY AND REFERENCE**

(Gov. Code, § 11346.5, subd. (a)(2).)

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health and Safety Code

Sections 17000-17062.5, 17910-17995.5, 18200-18700, 18860-18874 and 19960-19998; and Government Code Sections 12955.1 and 12955.1.1.

HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18670, 18865, 18873.2 and 19990; and Government Code Section 12955.1. The purpose of these building standards is to implement, interpret and make specific the provisions of Health and Safety Code Section 17921.5 related to the adoption of mandatory building standards for the installation of recycled water systems for newly constructed single-family and multifamily residential buildings.

## **INFORMATIVE DIGEST**

(Gov. Code, § 11346.5, subd. (a)(3))

### **Summary of Existing Laws**

Health and Safety Code Section 17921 and Government Code Section 12955.1 require HCD to propose the adoption, amendment or repeal of building standards to the CBSC.

Assembly Bill 2282 (Chapter 606/Statutes of 2014) codified Health and Safety Code Section 17921.5 directing HCD to propose adoption of mandatory building standards for the installation of recycled water systems for newly constructed single-family and multifamily residential buildings. AB 2282 does not mandate that municipal recycled water be used or that a connection to the recycled water to be made.

Health and Safety Code Section 17922 requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "...the protection of the public health, safety and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Health and Safety Code Sections 18300 and 18865 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

### **Summary of Existing Regulations**

The CPC, Part 5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2016 Uniform Plumbing Code (UPC) with California amendments, effective January 1, 2017. The CPC, Chapter 15, addresses use of alternate water sources; other chapters provide definitions and requirements for plumbing systems.

Existing regulations related to recycled water quality; installation and maintenance of recycled water systems; and irrigation system requirements exist in the CCR Titles 17, 22 and 23.

Existing regulations in CCR Title 20, include requirements for appliances, including water flow rates for showerheads to be less than 1.8 gallons per minute as of July 1, 2018.

## Summary of Effect

HCD proposes amendments to the 2016 CPC, Title 24, Part 5 of the California Code of Regulations which is based on the 2015 edition of the UPC, with California amendments, for the following programs:

- (a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the application is for public use only.
- (b) Employee Housing Act: relative to the use of any buildings or structures on the property in accordance with Health and Safety Code Section 17040.
- (c) Mobilehome Parks and Special Occupancy Parks: relative to the design or construction of permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300 and 18865.
- (d) Factory-built Housing Law: relative to residential buildings, dwellings or portions thereof, or building component, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

The amendments provide consistency with the California Building Standards Code format, state and federal laws and regulations, and conditions unique to California. In addition, the amendments provide clarity and specificity, and give direction for the code user.

Specific amendments in this rulemaking include:

- Implementation of AB 2282 as discussed in "Existing Laws."
- Amending showerhead flow rates for consistency with CCR Title 20 appliance efficiency regulations.
- Recognition of hybrid urinals (definition, fixture units, sizing of piping).

## Comparable Federal Statute or Regulations

None.

## Policy Statement Overview

The proposed regulations will adopt, amend or repeal existing building standards and establish new building standards, which will affect residential occupancies and buildings or structures accessory thereto, as provided for by federal and state accessibility requirements; the use of General Design, Structural and Fire and Life Safety Requirements in housing construction, buildings and structures accessory thereto; and permanent building in mobilehome parks and special occupancy parks.

The benefits anticipated from this proposed regulatory action include updating building standards, which will result in the protection of public health and safety, worker safety, the environment and general welfare of California residents, and responding to California's multi-year drought. Also, providing the most recent methods and applying those building standards on a statewide basis, as required by statute, results in uniformity and promotes affordable costs.

## Evaluation of consistency

HCD has determined that the proposed regulations are not inconsistent or incompatible with existing State regulations.

## OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

(Gov. Code, § 11346.5, subd. (a)(4))

None.

## MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Gov. Code, § 11346.5, subd. (a)(5))

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts; and therefore, does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

## ESTIMATE OF COST OR SAVINGS

(Gov. Code, § 11346.5, subd. (a)(6))

- A. Cost or Savings to any state agency: **Health and Safety Code Section 17921 requires HCD to propose the adoption, amendment or repeal of building standards to the Commission pursuant to the provisions of Chapter 4 (commencing with Section 18935) of Part 2.5 of the Government Code. Part 2.5 of the Government Code requires state agencies to ensure that regulatory language meets the requirements of clarity and non-duplication. The costs associated with implementation of AB 2282 have been addressed through an approved Budget Change Proposal which provided a two-year limited position and associated funding for development of regulations related to AB 2282.**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

## INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Gov. Code, § 11346.5, subd. (a)(8))

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. *(See Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)*

## DECLARATION OF EVIDENCE

(Gov. Code, § 11346.5, subd. (a)(8))

HCD has determined that there are minimal facts, evidence, documents, testimony or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts or documents either supporting HCD's initial determination or finding to the contrary.

## FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Gov. Code, § 11346.5, subd. (a)(11))

HCD has made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and has determined that a report pursuant to Government Code Section 11346.3(d) is not required.

## **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

(Gov. Code, § 11346.5, subd. (a)(9))

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

(Gov. Code, § 11346.5, subd. (a)(10))

HCD has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.  
  
These regulations will not affect the creation, or cause the elimination of jobs within the State of California.
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.  
  
The regulations will not affect the creation or the elimination of existing business within the State of California.
- ☐ The expansion of businesses currently doing business with the State of California.  
  
These regulations may affect the expansion of businesses currently doing business related to recycled water piping and labeling within the State of California.
- ☐ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
  
These regulations will update and improve building standards, which will provide increased protection of public health and safety, worker safety and the environment. The installation of recycled water supply systems (piping) will facilitate use of recycled water and potable water savings in specified areas.

*(See Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)*

## **ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

(Gov. Code, § 11346.5, subd. (a)(12))

HCD has made an initial determination that the proposal would not have a significant effect on housing costs due to the limited application of the AB 2282 requirement and availability of an option for using only one (vs. dual) piping system. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. *(See Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California in the rulemaking file.)*

## **CONSIDERATION OF ALTERNATIVES**

(Gov. Code, § 11346.5, subd. (a)(13))

HCD has determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## **AVAILABILITY OF RULEMAKING DOCUMENTS**

(Gov. Code, §§ 11346.5, subd. (a)(16) and (a)(20).)

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>; in addition, the rulemaking documents will be posted on HCD's website:  
<http://www.hcd.ca.gov/codes/state-housing-law/>

(Gov. Code, § 11346.5, subd. (a)(19).)

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

(Gov. Code, § 11346.5, subd. (a)(21).)

HCD shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

## **CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

(Gov. Code, § 11346.5, subd. (a)(14).)

General questions regarding procedural and administrative issues should be addressed to:

Michael L. Nearman, Deputy Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

## **PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Beth Maynard, District Representative II  
HCD, Division of Codes and Standards  
Telephone: (916) 263-5451; Fax: (916) 263-4713  
E-mail: [Beth.Maynard@hcd.ca.gov](mailto:Beth.Maynard@hcd.ca.gov)

Back-up:

Emily Withers, Codes and Standards Administrator II  
HCD, Division of Codes and Standards  
Telephone: (916) 445-9471; Fax: (916) 263-4713  
E-mail: [Emily.Withers@hcd.ca.gov](mailto:Emily.Withers@hcd.ca.gov)